

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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SEP 17 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Carlton and Tillamook, Oregon) )

RM-

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

LifeTalk Broadcasting Association ("LifeTalk"), by counsel and pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to initiate a rulemaking proceeding to amend the FM Table of Allotments in Section 73.202(b) of the Commission's rules so as to allot FM Channel 281A to Carlton, Oregon as that community's first local broadcast service and to reserve that channel exclusively for noncommercial use. In support whereof, the following is respectfully shown.

Carlton, Oregon is an incorporated town located in Yamhill County, Oregon, approximately 35 miles southwest of Portland on State Highway 47. According to U.S. Census figures, the population of Carlton in 1990 was 1,289. Carlton meets the threshold definition for a community and is eligible to have an FM allotment. There is currently no broadcast station licensed to Carlton, nor is there a vacant FM or television allotment there.

Submitted herewith as Exhibit 1 is an engineering study which shows that, subject to a site restriction, Channel 281A

can be allotted to Carlton without violating the separation criteria of Section 73.207 of the Commission's rules except for being short-spaced by approximately 85 kilometers to KTIL(FM), on Channel 281C3, at Tillamook, Oregon.

The reference coordinates for the proposed allotment used in this Petition are north latitude 45-23-30 and west longitude 123-09-00. A site restriction of 10 kilometers north of Carlton will be necessary for this allotment in order to protect station KXPC, Lebanon, Oregon, on second-adjacent Channel 279C. Attached as Exhibit 2 is a service contour map which shows that a station operating from the restricted reference site could provide city-grade service (within the 70 dBu or 3.16 mV/m contour) to the community of license, Carlton.

To eliminate the short-spacing between Channel 281A at Carlton and KTIL at Tillamook, LifeTalk proposes that KTIL's allotment at Tillamook for Channel 281C3 be deleted and replaced by Channel 227A. This allotment would be subject to a site restriction of 5.54 kilometers west of the community of license in order to protect station KPDQ, Portland, on second-adjacent Channel 229C. Attached as Exhibit 3 is an engineering demonstration to document that the allotment of Channel 227A to Tillamook at a new reference site of north latitude 45-22-39 and west longitude 123-54-00 would conform to the separations required by Section 73.207. Attached as Exhibit 4 is a map showing that the predicted 70 dBu contour for a Class A station at the reference coordinates would cover the community of license.

Ordinarily, LifeTalk would propose that a legally equivalent channel be substituted for Channel 281C3 at Tillamook. However, it does not appear that a Class C3 allotment at Tillamook could be accommodated on any nonreserved channel. On the other hand, Channel 227A conforms to the separation requirements of Section 73.207 with the use of a site restriction. This apparent downgrading of KTIL's allotment would, in actuality, result in a functional upgrade. Although the existing Tillamook allotment is for a Class C3 facility, KTIL operates with facilities essentially the same as would be in place for a Class A allotment. KTIL operates with 6,500 watts ERP at a HAAT of -60. Terrain shielding around the community of Tillamook prevents the radio signal from reaching the distance normally associated with a Class C3 station.

Exhibit 5 shows a comparison of the predicted area within the 60 dBu service contours for a station on Channel 227A at the restricted site and KTIL's present C3 facilities. Remarkably, changing KTIL to Channel 227A at the reference site would actually result in a significant increase in coverage. Thus LifeTalk's proposal would be doubly advantageous: (1) new service for Carlton, and (2) increased service for Tillamook. The following chart shows the differences in area covered (excluding signal coverage over the ocean) and population served by the current and the proposed allotments within the respective 60 dBu contours.

Community	Current Sq.km.	Population	Proposed Sq.km.	Population
Carlton	0	(none) 0	2,488	(Channel 281A) 241,800
Tillamook	507	(Channel 281C3) 10,541	784	(Channel 227A) 13,991
TOTALS	507	10,541	3,272	255,741

If this proposal is adopted and if LifeTalk ultimately becomes the permittee of a new station on Channel 281A at Carlton, LifeTalk hereby commits to reimburse the licensee of KTIL for the reasonable expenses it may incur in the process of modifying the facilities of KTIL to conform to the substitute allotment adopted by the Commission. See, Circleville, Ohio, 8 F.C.C.2d 159 (1967).

LifeTalk is a nonprofit entity and the station it ultimately hopes to establish at Carlton will offer a noncommercial broadcast service. If a reserved noncommercial frequency were available at Carlton, LifeTalk would apply to construct its station on that channel. Exhibit 6 contains information to demonstrate that an opening for an application on reserved band Channel 204 does exist at a site from which Carlton could be served (although not from the proposed reference site for Channel 281A). However, such an application on the reserved FM band at Carlton would be precluded by the proximity of television Channel 6, KOIN, at Portland. Exhibit 7 shows location data for the KOIN transmitter site. KOIN is only 52.9 kilometers from the site of the hypothetical noncommercial station on Channel 204. Thus this site is within the protected

area for Channel 6 required by Section 73.525(b) of the Commission's rules. For FM stations on Channel 204, that protected area extends for 235 kilometers. Accordingly, operating on a reserved band channel in the Carlton area is not feasible.

In situations such as this, Commission precedent calls for reserving a channel on the nonreserved portion of the FM band for noncommercial use. Butte, Montana, 9 F.C.C.Rcd. 2180 (MMB 1994); Bozeman, Montana, 4 F.C.C.Rcd. 4835 (MMB 1989).

If the Commission allots the requested channel to Carlton, LifeTalk will promptly file an application for authority to construct a new station there. If that application is granted, LifeTalk will promptly construct the new station and initiate a new broadcast service for Carlton and the surrounding community.

In accord with the foregoing, LifeTalk proposes that the FM Table of Allotments, Section 202(b) of the Commission's rules, be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Carlton, Oregon	---	*281A
Tillamook, Oregon	231A, 281C3	227A, 231A.

WHEREFORE, LifeTalk Broadcasting Association respectfully urges the Commission to initiate a rule making proceeding to adopt the above-identified proposal, allotting Channel 281A to Carlton, Oregon and reserving it exclusively for noncommercial use.

Respectfully submitted,

LIFETALK BROADCASTING ASSOCIATION

By:   
Donald E. Martin

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P. O. Box 19351  
Washington, D.C. 20036  
(202) 887-5070

Its Attorney

September 17, 1996

**EXHIBIT 1**

LIFETALK BROADCASTING ASSOCIATION  
402 E YAKIMA AVE. st1320 YAKIMA WA 98901

CARLTON  
OR

REFERENCE  
45 23 30 N  
123 09 00 W

CLASS - A  
Current Spacings

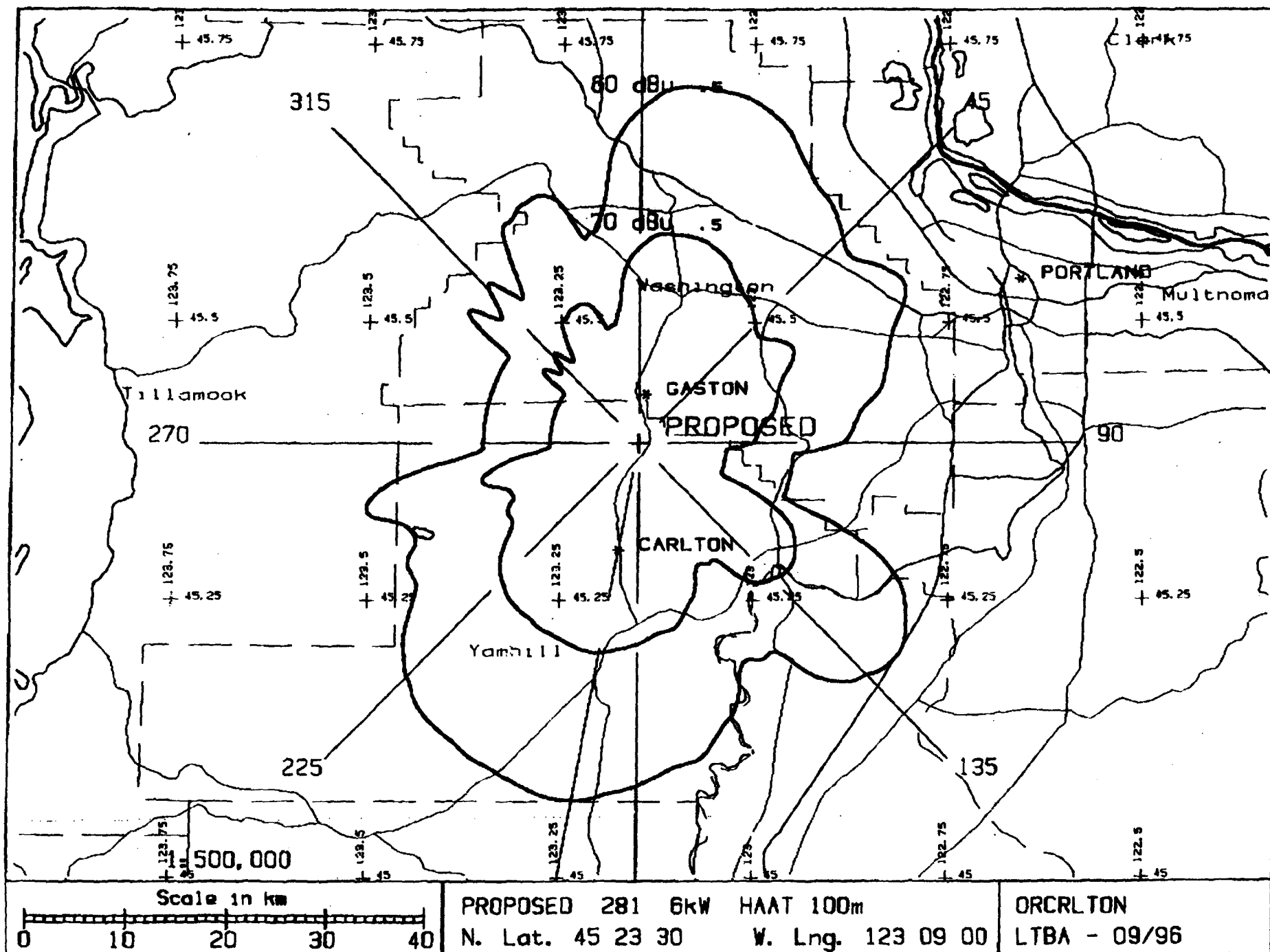
DISPLAY DATES  
DATA 07-26-96  
SEARCH 09-06-96

----- Channel 281 - 104.1 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
KTILFM LI	281C3	Tillamook	OR	57.33	277.5	142.0	-84.67
45 27 24	123 52 36	C CN	6.500 kW		-60 M		
		Oregon Eagle, Inc.		BLH860516KB	921004		
KXPCFM LI	279C	Lebanon	OR	99.60	171.3	95.0	4.60
44 30 20	122 57 38	CN	100.000 kW		335 M		
		Spotlight Media Corporation		BLH940411KA	950523		
ALOPEN AL	281C1	Sisters	OR	205.13	134.8	200.0	5.13
44 04 40	121 19 52	N	0.000 kW		0 M		
		92-3			930506		
Site restricted-Effective 11-20-92-RSVD For KPXA Per D92-3-Petition for reconsideration in D92-3 filed 921113							
AD281 AD	281C1	Sisters	OR	205.13	134.8	200.0	5.13
44 04 40	121 19 52		0.000 kW		0 M		
		Central Oregon Broadcasting,		RM7958	930506		
Petition For Reconsideration in D92-3 filed 921113							
KXDD.C CPM	281C	Yakima	WA	231.88	52.7	226.0	5.88
46 37 39	120 44 17	C CN	100.000 kW		344 M		
		Butterfield Broadcasting Corp		BMPH951109IB	960304		
KDUKFM LI	284C	Florence	OR	125.87	194.2	95.0	30.87
44 17 35	123 32 15	CN	63.000 kW		709 M		
		PTI Broadcasting, Inc.		BLH890920KC	940106		
AP280 AP	280C3	Ilwaco	WA	125.28	328.4	89.0	36.28
46 20 53	124 00 14	C CN	25.000 kW		100 M		
		Richard M. Schafbuch		BPH920521MI	940408		
AP280 AP	280C3	Ilwaco	WA	126.00	328.0	89.0	37.00
46 20 55	124 01 12	C CN	25.000 kW		100 M		
		Charles A. Farmer		BPH920518MA	940408		
ALOPEN AL	280C3	Ilwaco	WA	126.31	326.9	89.0	37.31
46 20 22	124 02 51	C N	0.000 kW		0 M		
		91-130			921004		
		WO- 920421					
Proposed to Canada as B1 911119							
Site restricted-Effective 04-20-1992							
KXDD LI	281C1	Yakima	WA	246.89	58.6	200.0	46.89
46 30 48	120 24 05	C CN	61.000 kW		238 M		
		Butterfield Broadcasting Corp		BLH1929	951205		
KMCQ LI	283C	The Dalles	OR	162.56	76.6	95.0	67.56
45 42 41	121 07 07	CN	100.000 kW		610 M		
		Mid Columbia Broadcasting, In		BLH850916KS	860509		
KPXA.C CP	281A	Sisters	OR	185.86	137.4	115.0	70.86
44 09 04	121 34 31	CN	1.300 kW		216 M		
		Schuyler H. Martin		BPH891207MH	941122		
*To amend to channel 281C1 Per D92-3							



**EXHIBIT 2**



**EXHIBIT 3**

LIFETALK BROADCASTING ASSOCIATION  
402 E YAKIMA AVE. st1320 YAKIMA WA 98901

TILLAMOOK

OR

REFERENCE

45 22 39 N

123 54 00 W

CLASS - A

Current Spacings

DISPLAY DATES

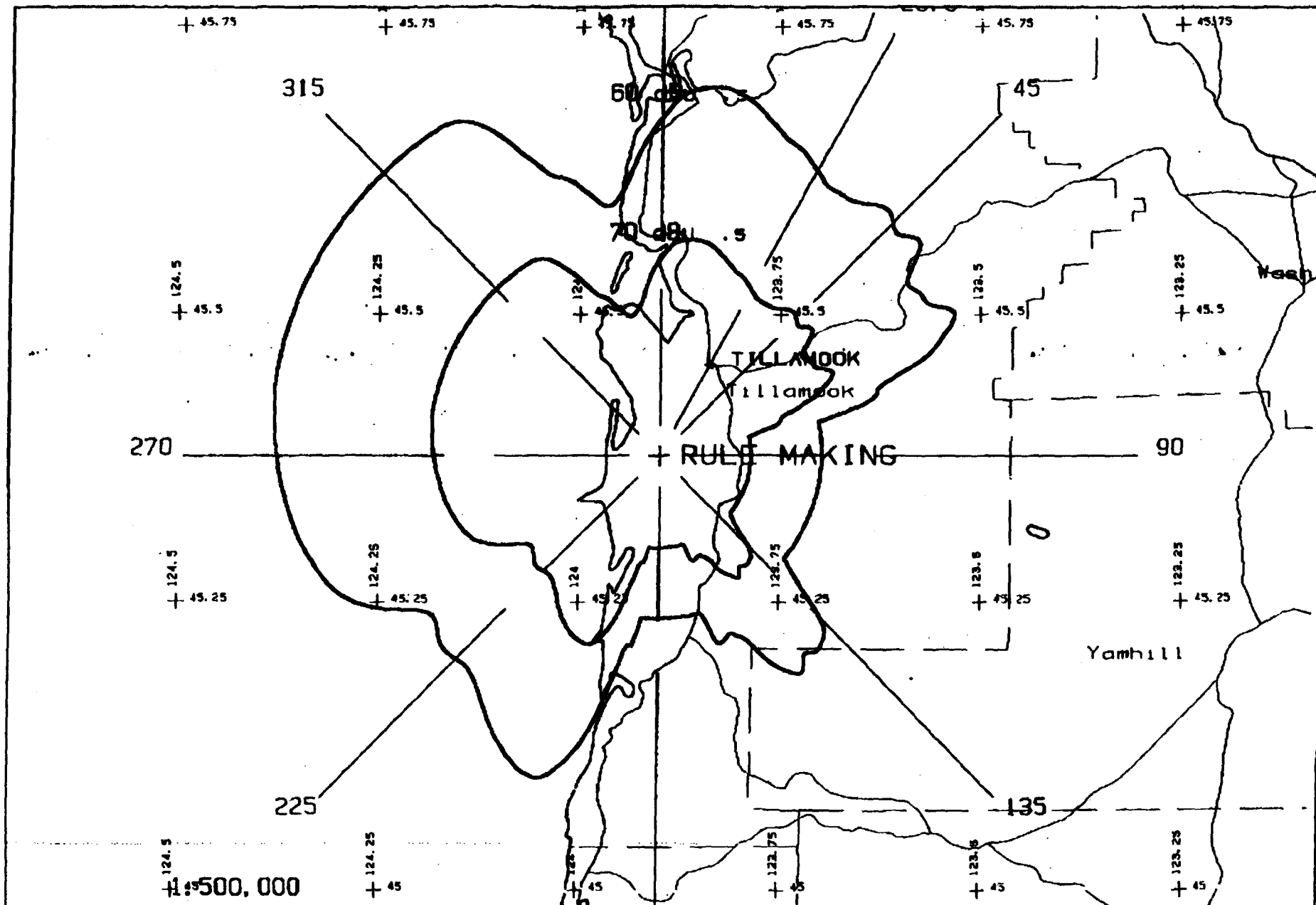
DATA 09-03-96

SEARCH 09-11-96

----- Channel 227 - 93.3 MHz -----

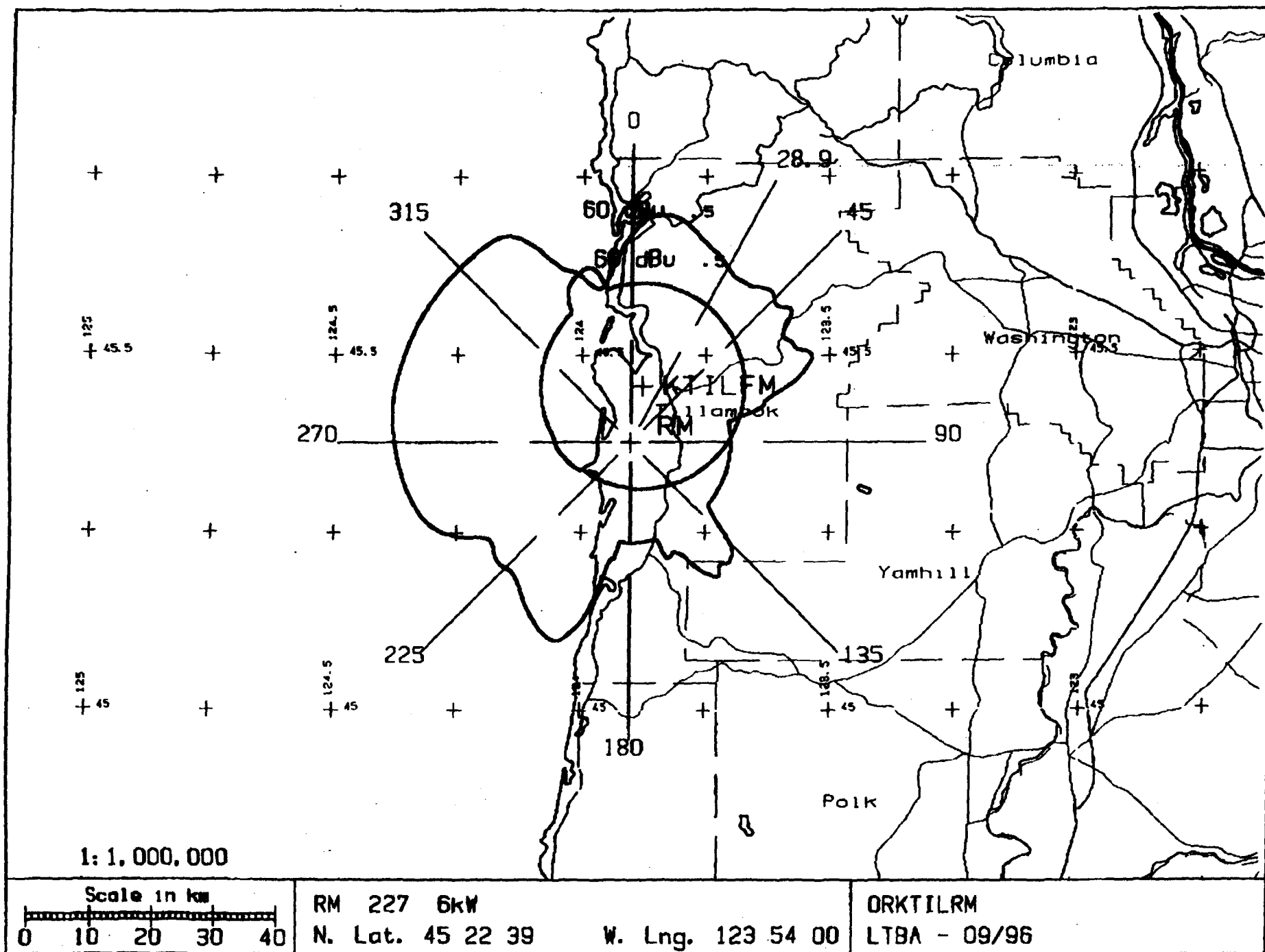
Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KTILFM LI	281C3	Tillamook	OR	8.99	11.7	12.0
45 27 24	123 52 36	C CN	6.500 kW	-60 M		-3.01
Oregon Eagle, Inc. BLH860516KB 921004						
KKNU LI	226C	Springfield-Eugene	OR	165.15	157.6	165.0
44 00 05	123 06 48	EN	100.000 kW	300 M		0.15
McKenzie River Broadcasting C BLH900406KB 930406						
KPDQFM LI	229C	Portland	OR	95.15	82.1	95.0
45 29 20	122 41 40	C CY	100.000 kW	387 M		0.15
Salem Media of Oregon, Inc. BLH900828KD 921004						
KASTFM LI	225C1	Astoria	OR	89.68	4.7	75.0
46 10 54	123 48 19	C CN	99.000 kW	165 M		14.68
Youngs Bay Broadcasting BLH810526AL 960816						
KASTFM CP	225C1	Astoria	OR	89.68	4.7	75.0
46 10 54	123 48 19	C CN	51.000 kW	178 M		14.68
Youngs Bay Broadcasting BPH960524IA 960823						
AP224 AP	224C3	Newport	OR	69.96	189.6	42.0
44 45 24	124 02 50	CN	2.900 kW	290 M		27.96
Q Media, L.L.C. BPH960508MD 960524						
AP224 AP	224C3	Newport	OR	69.96	189.6	42.0
44 45 24	124 02 50	CN	3.800 kW	244 M		27.96
Stewart Broadcasting, Inc. BPH960507MZ 960517						
AP224 AP	224C3	Newport	OR	69.96	189.6	42.0
44 45 24	124 02 50	CN	3.000 kW	291 M		27.96
Whale Broadcasting Compnay BPH960507MX 960515						
AP224 AP	224C3	Newport	OR	69.96	189.6	42.0
44 45 24	124 02 50	CN	3.600 kW	263 M		27.96
Hubert G. Timmerman BPH960507MJ 960516						
agl taken from app						
AP224 AP	224C3	Newport	OR	70.01	189.6	42.0
44 45 23	124 02 55	CN	3.400 kW	272 M		28.01
Thomas D. Hodgins BPH960507M4 960524						
ALOPEN AL	224C3	Newport	OR	70.04	189.6	42.0
44 45 22	124 02 54	N	0.000 kW	0 M		28.04
93-113 WO- 960402 960401						
Effective 931213 - Class C2 allotment per Docket 93-113 was downgraded to						
by grant of BMPH-930506II on 940715 to KCLM -- KCLM later cancelled 951113						
New Window opened as Class C3 on 96402 to 960507						
AP224 AP	224C3	Newport	OR	70.05	189.7	42.0
44 45 22	124 02 57	CN	3.800 kW	256 M		28.05
Yaquina Bay Communications, I BPH960429ME 960510						
KUBE LI	227C	Seattle	WA	277.41	29.0	226.0
47 32 39	122 06 29	C CY	100.000 kW	393 M		51.41
New Century Seattle License P BLH831004AF 950117						

**EXHIBIT 4**



<p>Scale in km</p> <p>0 10 20 30 40</p>	<p>RM 227C3 6kW</p> <p>N. Lat. 45 22 39 W. Lng. 123 54 00</p>	<p>ORKTILRM</p> <p>LTBA - 09/96</p>
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**EXHIBIT 5**





**EXHIBIT 6**

09-06-1996

## LIFE TALK BROADCASTING ASSOCIATION

509 248-TALK

CHS 204A - 88.7 MHz

ORCLTON

INTERFERENCE CHECKS WITH APP, CARLTON, OR at N. LAT. 45 16 00 W. LONG. 123 14 30

PWR = .17 kW H.A.A.T. = 267 M C.O.R. = 518 M AMSL

Protected F(50-50) 60 dBu = 19.12 km

F(50-10) 40 dBu = 60.37 54 dBu = 29.15 80 dBu = 5.68 100 dBu = .93

CHS	CALL	TYPE	* IN *	* OUT *	BEARING	DISTANCE	LAT.	PWR (kW)	INT (km)	PRO (km)
CITY	STATE	LICENSER			----		LONG.	HAAT (M)	COR (M)	FILE #
202C2	KXVM	LI CY	19.8	4.8	58.4	62.90 km	45 30 58	1.90	14.02	42.46
Portland	OR	Metro Catholic Broadcastin			238.4	32.87 MI	122 43 59	438.0	504	BLSD091222KT
204A	KSVR	LI CN	33.3	10.1	178.1	78.14 km	44 33 50	0.24	26.73	7.67
Corvallis	OR	State of Oregon, Bd. of Mi			358.1	48.55 MI	123 16 30	-25.0	116	BLSD010209AB
FCC Comment >										
205C3	KQFE.C	CP CN	78.7	83.4	173.7	141.27 km	44 00 11	0.75	43.61	28.70
Springfield	OR	Family Stations, Inc.			353.7	87.78 MI	123 06 48	290.0	489	BLSD09400161A
205A	KQFE	LI CN	86.4	87.6	170.1	139.09 km	44 02 01	1.85	33.56	22.49
Springfield	OR	Family Stations, Inc.			350.1	86.43 MI	123 00 25	108.0	352	BLSD090316XA
206C2	KQED	LI EN	16.8	0.1	58.4	62.90 km	45 30 58	7.10	16.98	47.08
Gresham	OR	Mt. Hood Community College			238.4	32.87 MI	122 43 59	302.0	377	BLSD0931223AN
1.2. RELATIONSHIPS:										
258C1	KXJJFM	LI CY	22.0 R	32.1 M	62.8	54.06 km	45 29 20	52.00	9.49	71.96
Portland	OR	Contemporary FM, Inc.			242.8	33.59 MI	122 41 40	386.0	480	BLSD11106KG

- Nearest CH 6 Grade B =KQIN at-70.33 km

**EXHIBIT 7**

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Command ? F

Job name... (exit= 1), ORCLTON

Command ? R

Current channel = 204 - Channels not ordered

Ref. Station: Margin - 100 File = ORCLTON.ED 03-19-1996

\*\*\*\*\*

# 1 1. CARLTON, OR 2. APP 3. Chs 204 A 88.7 MHz.

4. .17 kW 5. 267 M, 876 HAAT 518 M COR AMSL

6. 45 16 00 7. 123 18 30 8. 9. Ant =

F(50-60) 60 dBu= 19.12 km, 11.88 Mi

40 dBu= 60.37 , 54 dBu= 29.19 , 80 dBu= 5.68 , 100 dBu= .93

\*\*\*\*\*

Command ? S

\*\*\*\*\*

# 4 1. PORTLAND, OR 2. KOIN 3. Ch. 06+

4. 100 kW 5. 533 M, 1749 HAAT 611 M COR AMSL Canada

6. 45 30 58 7. 122 43 59 8. LI 9. Ant - MN

KOIN-TV, INC.

BLCT2115

Bearing= 58.4 M 238.4 M Distance= 52.9 km., 32.87 Mi.

Grade A (68 dBu)= 69.27 km., 43.05158 Mi.

Grade B (47 dBu)= 123.23 km., 76.58794 Mi.

\*\*\*\*\*

Command ?

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 17th day of September, 1996, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

Van Moe  
Radio Station KTIL-FM  
P. O. Box 40  
Tillamook, Oregon 97141

  
Donald E. Martin